

**BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2019-97-E

IN RE:

**Frederick Howard,
Complainant/Petitioner,**

v.

**Duke Energy Carolinas, LLC,
Defendant/Respondent.**

**Duke Energy Carolinas, LLC's
Motion to Dismiss**

Pursuant to S.C. Code Ann. § 58-27-1990, S.C. Code Ann. Regs. 103-829 and 103-352, and applicable South Carolina law, respondent, Duke Energy Carolinas, LLC (“DEC” or the “Company”) hereby moves the Public Service Commission of South Carolina (the “Commission”) to dismiss the above-captioned matter on the merits because it fails to allege any violation of an applicable statute or regulation with respect to DEC’s handling of Complainant’s account, and a hearing in this case is not necessary for the protection of substantial rights. The Company requests confidential treatment of Exhibits A and B, pursuant to S.C. Code Ann. Regs. 103-840(S)(2), on the basis that they contain confidential, customer-specific account information. The Company also requests that the filing deadlines for all parties and the hearing date be held in abeyance until this motion is resolved. In support of its motion, DEC shows the following:

BACKGROUND

On January 31, 2017, Mr. Howard filed a complaint in Docket No. 2017-34-E seeking more time to pay his electric bill (“First Complaint”). The Company and Mr. Howard entered into an agreement resulting in Mr. Howard withdrawing the First Complaint. On October 15, 2018, Mr. Howard filed a complaint in Docket No. 2018-325-E again seeking a payment accommodation

(“Second Complaint”). The Company and Mr. Howard entered into another agreement resulting in Mr. Howard withdrawing the Second Complaint. On March 8, 2019, in the above-referenced docket, Mr. Howard filed a third complaint seeking to renegotiate his payment arrangement.

Exhibit A to this motion is the affidavit of Ted Allen, Senior Consumer Affairs Specialist for Duke Energy Carolinas, LLC, which provides detailed customer-specific account information. Exhibit B to this motion shows the three-year billing and payment history associated with Complainant’s account. The Company respectfully requests confidential treatment of these exhibits, which contain customer-specific account information.

ARGUMENT

DEC requests that the Complaint be dismissed pursuant to S.C. Code Ann. § 58-27-1990, which allows the Commission to dismiss a complaint if it determines that “a hearing is not necessary in the public interest or for the protection of substantial rights.” The Complaint fails to allege any violation of an applicable statute or regulation with respect to DEC’s billing or handling of his account. Mr. Howard’s billing records show that the Company is charging the appropriate tariff rate approved by the Commission for the registered usage. Furthermore, DEC has been responsive and flexible with respect to Mr. Howard’s account. Confidential Exhibits A and B show the efforts made by the Company to accommodate Complainant.

DEC respectfully requests that the Complaint be dismissed because it fails to adequately allege any violation of an applicable statute or regulation with respect to DEC’s handling of Mr. Howard’s account. Consistent with S.C. Code Ann. § 58-27-1990, a hearing is not necessary for the protection of substantial rights in this case.

CONCLUSION

DEC has worked diligently to be flexible with respect to Mr. Howard's account. Complainant fails to adequately allege any violation of an applicable statute or regulation with respect to DEC's handling of Complainant's account, and a hearing in this case is not necessary for the protection of substantial rights. Therefore, this matter should be dismissed.

WHEREFORE, DEC moves the Commission to dismiss the Complaint with prejudice; grant confidential treatment of customer-specific information contained in Exhibits A and B; hold the testimony deadlines for all parties and the hearing in abeyance pending resolution of this motion; and requests such other relief as the Commission deems just and proper.

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Attorneys for Duke Energy Carolinas, LLC

Columbia, South Carolina
 March 27, 2019

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EXHIBIT A
AFFIDAVIT OF TED ALLEN
SENIOR CONSUMER AFFAIRS SPECIALIST
DUKE ENERGY CAROLINAS, LLC
CONTAINS CONFIDENTIAL, CUSTOMER INFORMATION
FILED UNDER SEAL

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EXHIBIT B
BILLING AND PAYMENT HISTORY

CONTAINS CONFIDENTIAL, CUSTOMER INFORMATION
FILED UNDER SEAL